

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FULL CREATIVE, LTD. d/b/a I.C.B.
ASIA, CO., LTD.,

Plaintiff,

- against -

**SOLE CITY, INC., SOLOMON SAFDEYE,
ALAN KANDALL, JEFFREY BERNSTEIN
And MARC DOLCE,**

Defendants.
-----X

**04 Civ. 02907
(RJH)(GWG)**

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed Affidavit of S. Reid Kahn, Esq. sworn to May 26, 2004, and the exhibits annexed thereto, the accompanying Memorandum of Law, and upon all prior proceedings heretofore had herein, the defendants Sole City, Inc., Solomon Safdeye and Alan Kandall, (collectively, the “Defendants”), shall move this Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, before the Honorable Richard J. Holwell, at 500 Pearl Street, Courtroom 17B, New York, New York 10007, at a date and time to be determined by the Court, for an order dismissing plaintiff’s third and fourth claims for relief for fraud and negligent misrepresentation, respectively, for failure to state a claim upon which relief may be granted.

Dated: New York, New York
May 26, 2004

KANE KESSLER, P.C.

By: s/S. Reid Kahn
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